

Robert B. Wilson
Chapter 13 Standing Trustee
1407 Buddy Holly Avenue
Lubbock, TX 79401-9401
Telephone: (806) 748-1980
Facsimile: (806) 748-1956

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

Case No: 19-70191

RUBEN CARLOS GARCIA
BRANDY CAROL GARCIA

Pre-Hearing Conference: October 16, 2019 8:30 AM
Confirmation Hearing Date: October 16, 2019 10:00 AM

Debtors

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE Harlin D. Hale, U.S. BANKRUPTCY JUDGE:

Now comes Robert B. Wilson, the Standing Chapter 13 Trustee and files this "Trustee's Objection to Confirmation" of the Plan heretofore filed herein by Debtors, and for the same would respectfully show the Court as follows:

Based on information provided by the Debtors, the Trustee is unable to determine if the Plan meets the requirements of 11 U.S.C. § 1322 and 11 U.S.C. § 1325. In this regard the Trustee would show the following:

1. The Debtors filed for relief on July 17, 2019, and are considered to be "Below Median Income" debtors.
2. The Debtors' Plan proposes a monthly payment of \$575.00 for 47 months due on the 16th day of each month. The Debtors are current through September 2019.
3. As currently proposed, the Plan will not pay out the secured and priority debt. Internal Revenue Service filed a proof of claim for \$18,704.00 that was not provided for in the Plan. The Trustee objects to Confirmation for the reason that the plan cannot be approved under 11 U.S.C. §1325 (a)(5)(B)(i)(I)(aa) and (bb) in that the Debtor cannot pay the underlying secured debt or receive a discharge.
4. The Debtor has failed to file or provide all of the information required under 11 U.S.C. § 521 (a),(b),(e),(f) and (h). Specifically, the Debtor has failed to file or provide the following: Auto Insurance declarations page, provided verification only.
5. The Plan was not filed in good faith; the Plan does not meet the confirmation standards of 11 U.S.C. § 1325.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that said Plan not be confirmed unless and until it has been modified to cure all objections set forth herein above,

Respectfully submitted,

By: /s/ MARC MCBEATH
Robert B. Wilson, Bar # 21715000
Chapter 13 Trustee
Marc McBeath, Bar# 13328600
Staff Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Trustee's Objection to Confirmation" was served on this date to the following parties per Bankruptcy Rule 3015(f) at the addresses listed below by either electronic service or by US First Class Mail.

Date: October 09, 2019

/s/ MARC MCBEATH

Robert B. Wilson, Bar # 21715000
Chapter 13 Trustee
Marc McBeath, Bar# 13328600
Staff Attorney

Debtors: Ruben Carlos & Brandy Carol Garcia, 5116 Professional Apt 87, Wichita Falls, Tx 76302
Attorney: Monte J White, Attorney At Law, 1106 Brook Ave Hamilton Place, Wichita Falls, Tx 76301
Creditor(s): William T Neary, United States Trustee, 1100 Commerce Street Rm 976, Dallas, Tx 75242